

REMARKS

Claims 16-25 are pending in this application. By this Amendment, claim 16 is amended clarify the claim language. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) do not raise any new issue requiring further search and/or consideration; (b) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because the need for consistency not previously recognized. Entry of the amendments is thus respectfully requested.

Reconsideration of the application is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Rudolph in the July 31, 2007 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Informalities

Claim 16 is amended for antecedence/consistency in the claim language. In particular, "power saving mode" is replaced with "power save mode."

Rejections Under 35 U.S.C. §103(a)

Claims 16-19 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,542,253 ("Kim") in view of U.S. Patent No. 6,084,934 ("Garcia"), further in view of U.S. Patent No. 6,742,130 ("Kawase"), further in view of U.S. Patent No. 6,594,027 ("Guillemin")

Claim 20 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim in view of Garcia, further in view of Kawase, further in view of Guillemin, and further in view of U.S. Patent No. 6,977,945 ("Noda").

Claims 22-23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim in view of Garcia, further in view of Kawase, further in view of Guillemín and allegedly commonly known prior art at the time of the invention.

Claims 21, 24 and 25 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kim in view of Garcia, further in view of Kawase, further in view of Guillemín, further in view of Noda and allegedly commonly known prior art at the time of the invention.

Applicants respectfully traverse each of these rejections.

We propose to argue that with respect to independent claim 16, none of the applied references, alone or in combination, teach or suggest each and every claimed feature. In particular, the Examiner relies on Kim as allegedly teaching a controller, Guillemín as allegedly teaching an off-state, Kawase as allegedly teaching a power save mode and Garcia as allegedly teaching controlling the rate at which data is received. While each of these features do exist in claim 16, the combination of these features separately described in the references fails to teach or suggest the additionally recited specific interaction and control features among components as recited in claim 16.

Kim and Guillemín

None of the applied references, alone or in combination, teach or suggest an image forming apparatus having a power save mode and a normal mode, the image forming apparatus including a controller configured to be in the off-state in the power save mode and to control the image forming portion to output the received data after a period of transition from the power save mode to the normal mode, as recited in independent claim 16.

The Patent Office concedes that Kim does not disclose a controller configured to be in the off-state in the power save mode and relies on Guillemín as allegedly teaching this feature. Applicants respectfully disagree.

The combination of Kim and Guillemín fails to teach or suggest that a controller is in an off-mode during a power save mode. Guillemín is directed toward a method of identifying the location of interchangeable media handling devices relative to one another and relative to an image-forming device (see column 1, lines 10-13). Nowhere does Guillemín teach or suggest a controller configured to be in an off-state in a power save mode. Guillemín merely discloses that media handling devices may be in a sleep mode, a power save mode, or an off mode (see column 1, lines 37-39).

Not only does Guillemín fail to disclose a controller configured to be in an off-state in a power save mode, Guillemín fails to disclose a controller at all. Guillemín generally discloses "media handling devices." However, even if the controller of claim 16 is considered to be a media handling device as disclosed in Guillemín, nowhere does Guillemín teach or suggest that a media handling device is in an off-state in a power save mode. Guillemín only discloses that the media handling devices may be in a sleep mode, a power save mode, or an off mode.

Thus, while it appears as though the Patent Office is only relying on Guillemín to teach that a media handling device (alleged controller) can be in an off-state, claim 16 requires more than that a controller be configured to be in an off-state. Claim 16 requires a controller configured to be in an off-state in a power save mode, and nowhere does Guillemín teach or suggest both of these required features.

Garcia and Kawase

In addition to the above, claim 16 is further distinguished by the use of an interface that includes a receiver, and is configured to control a speed for receiving data during the period of transition from the power save mode to the normal mode.

However, none of the applied references, alone or in combination, teach or suggest an image forming apparatus having an interface that includes a receiver, and is configured to

control a speed for receiving data during the period of transition from the power save mode to the normal mode, as recited in claim 16.

The Office Action asserts that the combination of Garcia and Kawase teaches this feature. Applicants respectfully disagree.

It appears as though the Patent Office is relying on Kawase for teaching a power save mode and Garcia for teaching controlling the rate at which data is received. However, it is evident that the Patent Office is improperly picking and choosing various elements of the claims from the prior art in hindsight, and ignoring the requirements recited in the present claims with respect to how the elements interact.

That is, Garcia is directed toward a data transmission system capable of automatically adjusting a data transfer rate of a sender to a receiver and Kawase is directed to an interface apparatus having a power-saving function. However, the interface apparatus of Kawase does not receive data when the interface apparatus is in a power-saving state (see column 3, lines 21-28). Therefore, even if the Kawase and Garcia were combined, the combination merely provides an interface apparatus that controls the rate at which data is received when the interface apparatus is not in a power save mode.

In contrast, claim 16 requires a receiver configured to control a speed for receiving data during the period of transition from the power save mode to the normal mode. That is, the receiver begins receiving data in the power save mode and controls the speed of receiving this data until at least a normal mode is reached. Therefore, as claim 16 requires a receiver to receive data in a power save mode, and Kawase teaches away from receiving data in a power save mode, one of ordinary skill in the art would not have been motivated to combine the teachings of Kawase with that of Garcia to achieve the features of claim 16.

Noda and Alleged Commonly Known Prior Art

Noda teaches a data transmission system and a network interface for controlling a transfer rate in response to notices informing that reception is normally completed or not normally completed. However, Noda fails to cure the deficiencies in Kim, Garcia, Kawase and Guillemin, detailed above, in disclosing or rendering obvious the features of independent claim 16.

Furthermore, the allegedly commonly known prior art fails to cure the above-detailed deficiencies in Kim, Garcia and Kawase in disclosing or rendering obvious the features of independent claim 16.

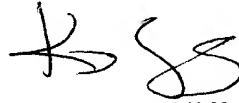
Conclusion

For at least these reasons, independent claim 16, and its dependent claims, are patentable over the applied references. Thus, withdrawal of the rejections of claims under 35 U.S.C §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 16-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: August 1, 2007

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